

DRAFT
2007-

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, TITLE 14 CHAPTER 2, ZONING REGULATIONS, BE AMENDED BY REVISING SECTIONS 3.4 AND 3.10 SO AS TO REGULATE THE PARKING OR STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT IN RESIDENTIAL ZONING DISTRICTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has evaluated the parking and storage of commercial vehicles and equipment within residential zoning districts and has determined that the type and amount of commercial vehicles or equipment stored or parked upon residentially zoned properties can affect the residential character of the properties; and

WHEREAS the City Council has determined that existing zoning regulations should be revised

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE:

Section 1. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, be amended by adding Section 3.4.7, "Parking and Storage of Non-residential Vehicles and Equipment", which is to read as follows:

3.4.7. PARKING AND STORAGE OF NON-RESIDENTIAL VEHICLES AND EQUIPMENT

It is the intention of this ordinance to limit the regular parking or storage of commercial and industrial vehicles and equipment within the RA, R1, R2, R3, R4, and R5 residential zoning districts. This section is intended to restrict the use of residentially developed properties in the aforementioned zones for the parking or storage of commercial or industrial vehicles or equipment that is picked up by an employee or contractor who comes to the property from off-site to pick up the vehicle or equipment for a business use taking place off-site. This section is intended to restrict the size and types and numbers of vehicles and equipment that can be parked or stored on a residentially developed property in the aforementioned zones. This section applies to commercial or industrial vehicles not typically used as personal transportation or in non-business-related applications and to business-related equipment that is on wheels or transported on trailers, and which is used in some application typically taking place outdoors (e.g. commercial lawn mowers, sweepers, cement mixers, grading equipment, tractors, semi-trucks and trailers, car

hauling trailers for multiple vehicles, brush and stump grinding equipment, tandem wheel trucks other than pick-up trucks, vehicles with more than two axles, passenger vehicles with seating for more than 15 persons, and the like). Cars, light trucks (pick-up trucks), vans or mini-vans, sport utility vehicles, station wagons, and the like that are of a type commonly used for personal transportation and which are ordinarily driven by the occupants of a residential property are allowed in the residential zone when otherwise lawfully parked. Apart from the aforementioned personal transportation-type vehicles, one truck or van with not more than three axles and one open or enclosed trailer not exceeding 30 feet in length and one piece of equipment stored on or in such trailer, is allowed to be parked or stored overnight on each residentially developed lot or parcel in a residential zoning district. One passenger vehicle with seating for 15 or more persons but with not more than two axles is allowed to be parked or stored overnight on each residentially developed lot or parcel.

Section 2. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, be amended by revising Section 3.10 Regulations for Home Occupations, is hereby revised by deleting references to the parking of commercial vehicles in residential zones; specifically the following language is deleted from 3.10.A(8):

(8) The parking of vehicles used in a resident's line of work (a school bus, a heavy truck, etc.) when such vehicles are parked at home for the resident's convenience and when such vehicles are parked in a paved or gravel parking area that otherwise complies with applicable codes, are not considered a violation of this section. However, this section does not permit the storage of junk vehicles, repossessed or impounded vehicles, or vehicles for sale by a licensed dealer.

Section 3. That all Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

Section 4. In the event that any part of this ordinance is invalidated by a court of competent jurisdiction, all other parts shall remain in full force and effect unless otherwise lawfully repealed or amended.

Section 5. This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.